

CWS/CMS DOCUMENTATION OF ICWA ELIGIBILITY

For all child welfare referrals/cases, ICWA inquiry must occur at first contact, and the duty to inquire continues until the court makes a finding that adequate further inquiry and due diligence as required in this section have been conducted and there is no reason to know whether the child is an Indian child [[WIC § 224.2 \(1\)\(2\)](#)]. The information related to ICWA shall be documented in CWS/CMS and the physical case file for each referral and updated throughout the life of the case.

The *ICWA Eligible* field in the *Other Information* section of the *Child Client Notebook* field within the Child Welfare Services Case Management System (CWS/CMS) includes the options:

- Yes
(Marked when the court determines that ICWA applies)
- No
(Marked when it is confirmed by the court that ICWA does not apply)
- Not Asked
(The 'ICWA Eligible' field on the ID page of the child/youth's Client Notebook **defaults to "Not Asked."** If the social worker does not update this field, it will remain as "Not Asked" and inquiry efforts will not be accurately reflected in CWS/CMS. It is imperative to update this field and any other ICWA information as inquiry efforts occur).
- Pending
(Marked when the court has not made a determination that ICWA applies)

It is important to make sure to mark the appropriate box for each child/youth so that accurate data is captured.

If *Not Asked* is marked in the *Child Client Notebook*, the Hotline screener should offer an explanation in the *Screener Narrative* about why inquiry was not done with the reporting party.

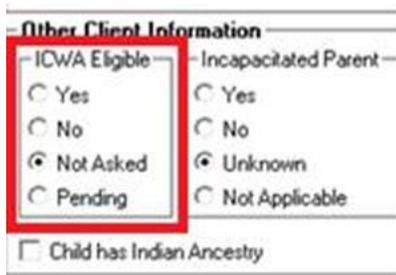
If the Hotline screener asks about ICWA and the reporting party does not know if the child is or may be an Indian child, the Hotline screener should mark *Pending* and indicate in the *Screener Narrative* that the reporting party did not know.

If the Hotline screener marks *Not Asked* or *Pending*, the investigating (ER) social worker, Continuing Services (CS) social worker, and Dependency Investigation (DI) social worker has a duty to continue to inquire until the court determines whether there is a reason to know that ICWA applies and to update the ICWA Eligible field on the ID page of the child/youth's Client Notebook as soon as ICWA eligibility is determined.

If *Not Asked* or *Pending* is marked in the ICWA Eligible field of the child/youth's *Client Notebook* at the conclusion of the investigation, the investigating social worker will describe in the *Investigation Narrative* why the inquiry was not performed or completed. The court investigator or case carrying worker will also update the ICWA Eligible field if they find more information throughout the court investigation or throughout the life of the case.

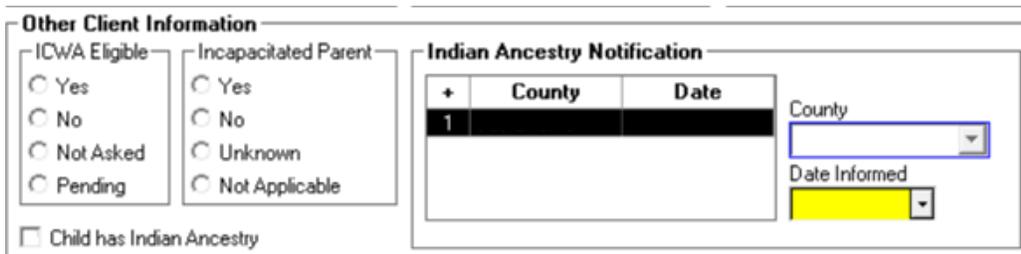
Use these instructions to document a child's Native American heritage as well as to document proper ICWA notification.

1. Open the Child/Youth's Client Notebook
2. Navigate to the ID tab 
3. Scroll to the "Other Client Information" Grid and select the appropriate radio button in the "ICWA Eligible" field. **NOTE: This is not currently a mandatory field, however, this is a critical data point for ICWA compliance tracking purposes and must be completed for all referrals.**



| Other Client Information | |
|--|--|
| ICWA Eligible | Incapacitated Parent |
| <input type="radio"/> Yes | <input type="radio"/> Yes |
| <input type="radio"/> No | <input type="radio"/> No |
| <input checked="" type="radio"/> Not Asked | <input checked="" type="radio"/> Unknown |
| <input type="radio"/> Pending | <input type="radio"/> Not Applicable |
| <input type="checkbox"/> Child has Indian Ancestry | |

4. Click on the "+" in the upper left-hand corner to complete the Indian Ancestry Notification grid. This grid indicates when the county was notified that the child/youth has possible Indian Ancestry.



| Other Client Information | |
|--|--------------------------------------|
| ICWA Eligible | Incapacitated Parent |
| <input type="radio"/> Yes | <input type="radio"/> Yes |
| <input type="radio"/> No | <input type="radio"/> No |
| <input type="radio"/> Not Asked | <input type="radio"/> Unknown |
| <input type="radio"/> Pending | <input type="radio"/> Not Applicable |
| <input type="checkbox"/> Child has Indian Ancestry | |

| Indian Ancestry Notification | | |
|------------------------------|--------|------|
| + | County | Date |
| 1 | | |

County:

Date Informed:

5. If the child/youth is identified as an Indian Child, update/Verify the “Primary Ethnicity” or “Other Ethnicity” to reflect American Indian

Race/Ethnicity

Specify Race* if known

Primary Ethnicity
American Indian*

Unable to Determine - Reason
[]

Other Ethnicity

| | |
|---|-----------------|
| + | Other Ethnicity |
| | |

6. Navigate to the Related Clients tab



7. Confirm that the relationships between the child/youth and relatives have been established correctly

8. Complete steps 1-7 for each eligible or pending eligible child/youth

9. Open the Parent’s Client Notebook of the parent with Indian ancestry

10. Navigate to the ID tab



11. Update/Verify the “Primary Ethnicity” or “Other Ethnicity” to reflect American Indian

Race/Ethnicity

Specify Race* if known

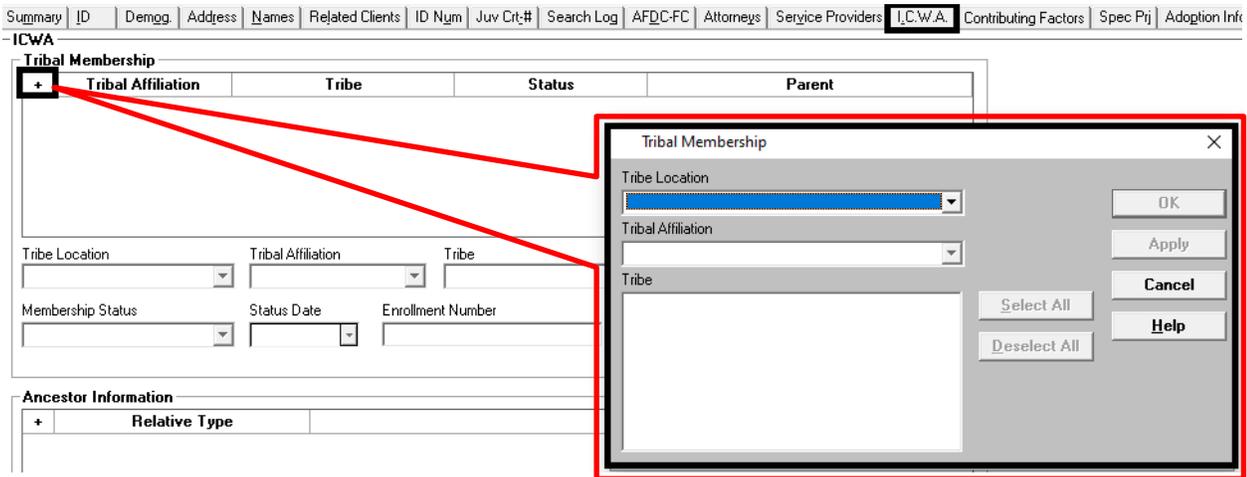
Primary Ethnicity
American Indian*

Unable to Determine - Reason
[]

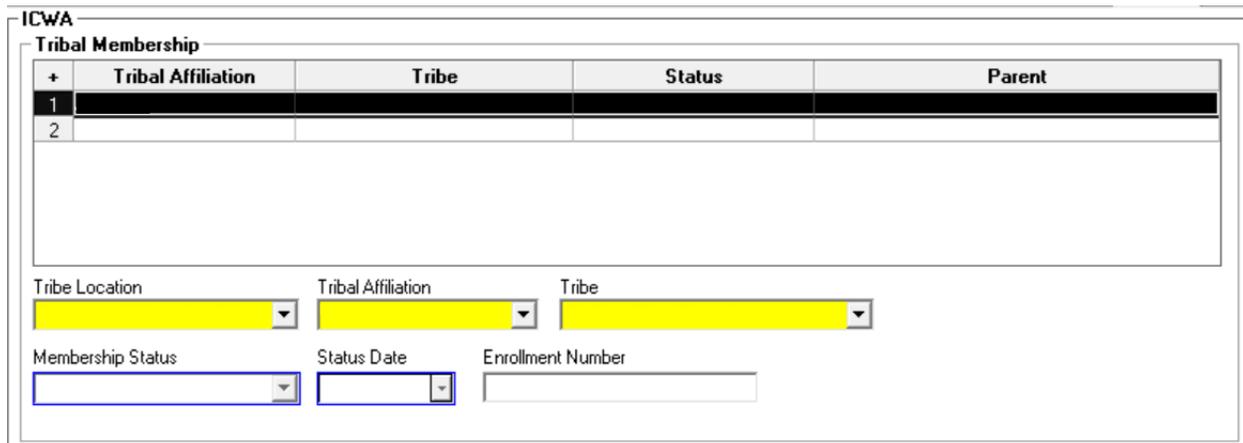
Other Ethnicity

| | |
|---|-----------------|
| + | Other Ethnicity |
| | |

12. Navigate to the I.C.W.A. tab I.C.W.A. and click on the “+” in the upper left-hand corner of the “Tribal Membership” grid. Then a dialogue box will pop up to record the following information:
 - a. Tribe Location
 - b. Tribal Affiliation
 - c. Tribe



13. The information entered/selected in the “Tribal Membership” Dialogue box will populate the “Tribal Membership” Grid.



14. Click on the “+” in the upper left-hand corner of the “Ancestor Information” grid, then complete the grid (about the child’s grandparents, great-grandparents, etc.) with as much information as possible, including:
 - a. Relative type
 - b. Name
 - c. Date of birth

- d. Place of birth
- e. Date of death
- f. Place of death
- g. Other Names (If the “+” is selected in the upper left-hand corner of the “Other Names” grid, a dialogue box will open to enter the Name type, First name, and Last Name. This information will populate the “Other Names” grid.)

Ancestor Information

| + | Relative Type | Name |
|---|---------------|------|
| 1 | | |
| 2 | | |
| 3 | | |

Relative Type:

Name: Title First Middle Last Suffix

Date of Birth: Place of Birth:

Date of Death: Place of Death:

Other Names

| + | Name Type | Other Name |
|---|-----------|------------|
| | | |

Relative Tribal Membership

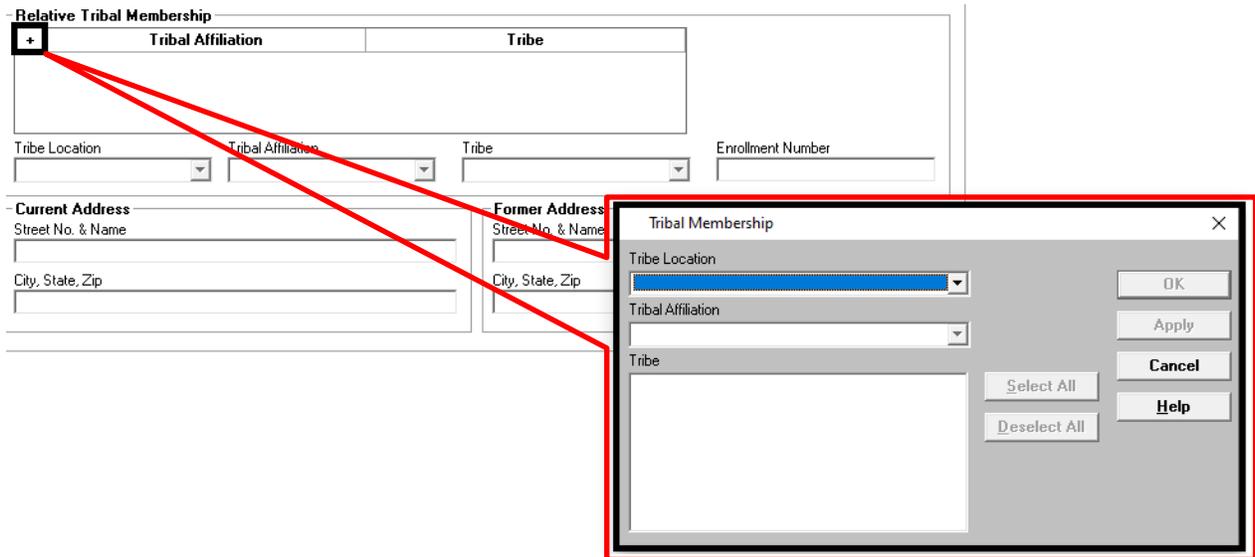
Tribal Ancestor Other Names [X]

Name Type:

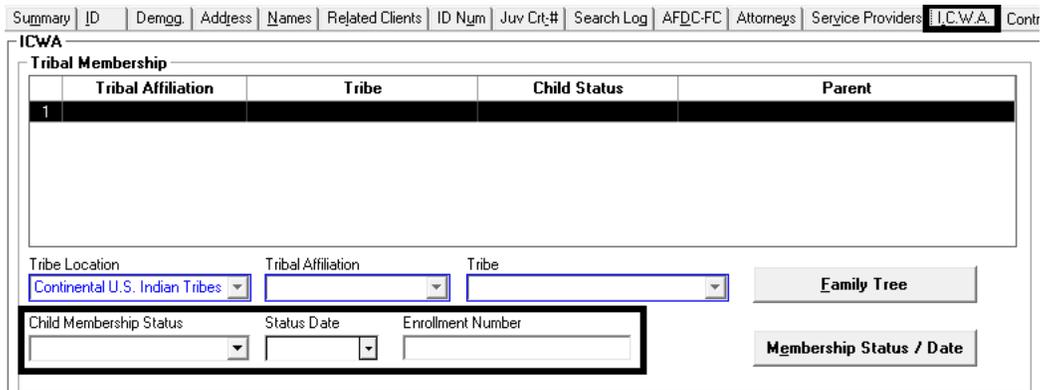
Prefix First Middle Last Suffix

OK
Apply
Cancel
Help

15. Select the “+” in the upper corner to complete the Relative Tribal Membership grid (the information entered now will also refer to the relative selected in the “Ancestor Information” grid. Note: if the previously selected person is the parent’s parent, it is the child’s grandparents), then you will be able to enter:
- a. Tribal Location
 - b. Tribal Affiliation
 - c. Tribe
 - d. Enrollment Number (if available)



16. Repeat steps 9-15 for each parent who indicates they may have Indian Ancestry and for each relative of the parent who may have Indian Ancestry, as a child may have more than one (1) tribal affiliation.
17. Return to the Child's Client Notebook and navigate to the I.C.W.A. page I.C.W.A.
18. Information from the Parent's Client Notebook will populate to the child/youth's Client Notebook, I.C.W.A. Page. Complete the Tribal Membership information for each Tribe listed.



19. Use the drop menu to select the Child Membership Status, Status Date, and Enrollment Number (if available) for each record in the tribal membership grid. If a Tribe is specified, all dropdown options are available.

NOTE: The 60-day rule no longer applies under the provisions set forth in [AB 3176](#). When there is reason to know that the child is an Indian child, the court shall treat the child as an Indian child unless and until the court determines on the record that ICWA does not apply ([WIC § 224.2\(i\)](#)). **Due to this, “No Response After 60 Days” should not be marked at any point of the referral and/or case.**

Tribe Location:
 Tribal Affiliation:
 Tribe:

Child Membership Status:
 Status Date:
 Enrollment Number:

<None>
 Claims Membership
 Eligible
 Member
 No Response After 60 days
 Not Eligible
 Pending Verification

| Name | |
|------|--|
| | |

If no Tribe is specified, only some of the dropdown options are available.

Tribe Location:
 Tribal Affiliation:
 Tribe:

Child Membership Status:
 Status Date:
 Enrollment Number:

<None>
 Claims Membership
 Eligible
 Member
 No Response After 60 days
 Not Eligible
 Pending Verification

| Name | |
|------|--|
| | |

20. Repeat steps 17-19 for every eligible child/youth's Client Notebook

21. Be sure to go back to the child/youth's Client ID Page and update the child/youth's ICWA eligibility status when you receive more information about the child/youth's ICWA status.